

OVERSIGHT:
House Judiciary Committee Oversight
of the USA PATRIOT Act

OVERSIGHT THROUGH LETTERS TO THE DEPARTMENT OF JUSTICE:

- House Judiciary Committee sent the Attorney General, John Ashcroft, a letter on June 13, 2002, with 50 detailed questions on the implementation of the USA PATRIOT Act.¹ The questions were a result of extensive consultation between the majority and minority Committee counsel. Assistant Attorney General, Daniel Bryant, responded to Chairman Sensenbrenner and Ranking Member Mr. Conyers on July 26, 2002, providing lengthy responses to 28 out of the 50 questions submitted.² On August 26, 2002, Mr. Bryant sent the responses to the remaining questions,³ after sending responses to six of the questions to the House Permanent Select Committee on Intelligence. Then, on September 20, 2002, Mr. Bryant sent the minority additional information regarding the Department of Justice's responses to these questions.⁴
- On April 1, 2003, Chairman Sensenbrenner and Ranking Member Mr. Conyers sent a second letter to the Department of Justice with additional questions regarding the use of pre-existing authorities and the new authorities conferred by the USA PATRIOT Act.⁵ Once again, the questions were the product of bipartisan coordination by Committee counsel. Acting Assistant Attorney General, Jamie E. Brown, responded with a May 13, 2003 letter that answered the questions she deemed relevant to the Department of Justice and forwarded the remaining questions to the appropriate officials at the Department of Homeland Security.⁶ On June 13, 2003, the Assistant Secretary for Legislative Affairs at the Department of Homeland Security, Pamela J. Turner, sent responses to the forwarded

¹ *June 13, 2002*, Letter to the Attorney General from F. James Sensenbrenner, Jr., and John Conyers, Jr., requesting responses to 50 questions regarding the implementation of the PATRIOT Act.

² *July 26, 2002*, Responses from Daniel J. Bryant to F. James Sensenbrenner, Jr., and John Conyers, Jr., to 28 of the 50 questions submitted to the Department of Justice on June 13, 2002.

³ *August 26, 2002*, Responses from Daniel J. Bryant to F. James Sensenbrenner, Jr., and John Conyers, Jr., to the remaining questions (six of the responses being sent to the House Permanent Select Committee on Intelligence) submitted to the Department of Justice on June 13, 2002.

⁴ *September 20, 2002*, Additional information from Daniel J. Bryant to F. James Sensenbrenner, Jr., and John Conyers, Jr., regarding the Department's responses to questions submitted to the Department of Justice on June 13, 2002.

⁵ *April 1, 2003*, Letter to the Attorney General from F. James Sensenbrenner, Jr., and John Conyers, Jr., regarding the use of preexisting authorities and the new authorities conferred by the PATRIOT Act.

⁶ *May 13, 2003*, Response from Jamie E. Brown to F. James Sensenbrenner, Jr., and John Conyers, Jr., to letter sent to the Department of Justice on April 1, 2003.

questions.⁷

- On November 20, 2003, Chairman Sensenbrenner and Congressman Hostettler, Chairman of the Subcommittee on Immigration, Border Security, and Claims, sent a letter to the Comptroller General of the Government Accountability Office (GAO) requesting a GAO study of the implementation of the USA PATRIOT Act anti-money laundering provisions. This report was released on June 6, 2005.

OVERSIGHT THROUGH HEARINGS:

- On May 20, 2003, the Committee's Subcommittee on the Constitution held an oversight hearing entitled, "Anti-Terrorism Investigations and the Fourth Amendment After September 11th: Where and When Can Government Go to Prevent Terrorist Attacks."
- On June 5, 2003, the Attorney General testified before the full Committee on the Judiciary at an oversight hearing on the United States Department of Justice. Both the hearing on May 20 and the hearing on June 5 discussed oversight aspects of the USA PATRIOT Act.

OVERSIGHT THROUGH BRIEFINGS:

- The Subcommittee on Crime, Terrorism, and Homeland Security of this Committee requested that officials from the Department of Justice appear and answer questions regarding the implementation of the USA PATRIOT Act. In response to our request, the Department of Justice gave two separate briefings to Members, counsel, and staff:
 - During the briefing held on August 7, 2003, Department officials covered the long-standing authority for law enforcement to conduct delayed searches and collect business records, as well as the effect of the USA PATRIOT Act on those authorities.
 - During the second briefing, held on February 3, 2004, the Department of Justice discussed its views of S. 1709, the "Security and Freedom Ensured (SAFE) Act of 2003" and H.R. 3352, the House companion bill, as both bills proposed changes to the USA PATRIOT Act.
- The Department of Justice has also provided three classified briefings on the use of the Foreign Intelligence Surveillance Act (FISA) under the USA PATRIOT Act for Members of the Judiciary Committee:
 - On June 10, 2003, October 29, 2003, and June 7, 2005 the Justice Department provided these briefings.
- The Department also provided a law enforcement sensitive briefing on FISA to the House Judiciary Committee Members and staff on March 22, 2005.

⁷ June 13, 2003, Responses from Pamela J. Turner at the Department of Homeland Security to F. James Sensenbrenner, Jr., and John Conyers, Jr., to questions forwarded from the Department of Justice on June 13, 2003.

